

RECEIVED

AUG 23 2003

TECHNICAL CENTER 1600/2300

The Requirement for Restriction to the three inventions has been made according to 35 U.S.C. §121. The requirement is to be made based on 37 CFR §1.1475, Unity of Invention and not under 35 U.S.C. 121.

The criteria for Unity of Invention under 37 CFR 1.475 are set forth in (a-c). The claims in the Application meet the requirement of the Unity of Invention because there are “special technical features” about the inventions which involving one or more of the same or corresponding special technical features. The expression “Special Technical Features” shall mean

“ . . . those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.”

The “special technical features” that define a contribution of each of the claimed inventions over the prior art are the human cation transport protein ASIC3. The human cation transport protein ASIC3 (hASIC3) is the technical feature which is found throughout the patent application and the claims.

The invention calls for a purified nucleic acid molecule which encodes the human cation transport protein ASIC3, claims 1-3 and 11-16.

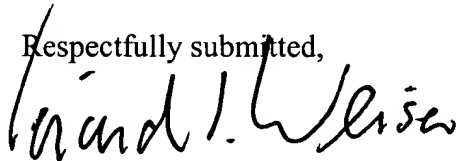
The invention also includes the ASIC3 family of proton gated amiloride- sensitive, cationic channels, claims 4-10. The invention also includes the human cationic proton transport protein and the transport channel.

A method of claim 17 uses screening substances capable of modulating the activity of cationic transport channels comprised of hASIC3. Claim 18 is drawn to the substance which is identified by the method of claim 17.

The "technical feature" all relates to the family of: Proton Activated Cationic Channels referred to as ASIC polypeptides, for Acid Sensing Ionic Channel. See page 2 of the specification and refer to pages 3-4 of the Specification.

Under 37 C.F.R. 1.143, the applicants respectfully traverse the Requirement for Restriction. In accordance to the Rule, applicants elect the invention identified by III to claims 17-18

Respectfully submitted,



Gerard J. Weiser, Esq.

Reg. No. 19,763

Schnader Harrison Segal & Lewis LLP

Attorneys for Applicants

GJW/eac

RECEIVED  
AUG 23 2008  
TECH CENTER 1600/2300